

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

JOSEPH J. PLUMERI II,

Civil Case No.: 1:19-cv-05896-FB-RER

Plaintiff,

v.

[PROPOSED] DEFAULT JUDGMENT

STEVEN B. BARGER,

Defendant.

The summons and complaint in this action having duly been served on the above-named Defendant Steven B. Barger, and said Defendant having failed to plead or otherwise defend in this action despite numerous extensions of time, and said default having been duly noted by this Court on February 11, 2020, and upon the annexed declaration of default judgment, on motion of Plaintiff Joseph J. Plumeri II, through his attorneys, it is hereby:

ORDERED that default judgment is entered in favor of Plaintiff Joseph J. Plumeri II and against Defendant Steven B. Barger on Counts I and II of the Complaint for Declaratory Judgment filed in the above-captioned action and the Complaint in its entirety;

ORDERED that Defendant Steven B. Barger is barred, estopped, and prohibited from suing or bringing any action against Plaintiff Joseph J. Plumeri II for fraud in the inducement, breach of contract, unjust enrichment, conversion, theft of intellectual property, defamation, slander, unjust enrichment, or any other claim arising from or relating to Plumeri's testimony in the matter of *Steven Barger v. First Data Corporation*, 1:17-cv-04869-FB-LB; and it is further

ORDERED that Plaintiff Joseph J. Plumeri II has no duty to preserve any electronically stored information, documents, texts, phone records, materials or other forms of information as identified in the October 11, 2019 letter annexed to the Complaint as Exhibit 1.

Dated: Brooklyn, New York
_____, 2020

By: _____
Honorable Frederic Block